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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/004,922	12/04/2001	Moon-Young Kim	20042.3US01	9830
52835	7590	07/11/2006	EXAMINER	
HAMRE, SCHUMANN, MUELLER & LARSON, P.C.			O'STEEN, DAVID R	
P.O. BOX 2902-0902			ART UNIT	
MINNEAPOLIS, MN 55402			PAPER NUMBER	

2623

DATE MAILED: 07/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/004,922	KIM, MOON-YOUNG	
	<b>Examiner</b>	<b>Art Unit</b>	
	David R. O'Steen	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 04 December 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Note to Applicant***

1. Art Units 2611, 2614 and 2617 have changed to 2623. Please make all future correspondence indicate the new designation 2623.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Shastri (US 6,845,485).

As regards Claim 1, Shastri discloses a method for reutilizing contents data for digital broadcasting, comprising the steps of: (a) receiving (such as a digital cable network, col. 10, lines 46-49) and editing contents data from a digital broadcast network (such as selecting key frames, generating thumbnails, and linking text descriptions, etc. to produce a video magazine of fig. 4 fig. 6.617, and col. 10, lines 16-30); and receiving the edited contents data through an Internet network and viewing the received contents data (col. 4, lines 61-66).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 2-4 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shastri (US 6,845,485) in view of Barton (US 2005/0132418).

As regards Claim 2, Shastri discloses receiving the contents data through a digital broadcast network (such as a digital cable network, col. 10, lines 46-49), storing the divided contents data in a database (fig. 6.619, and col. 9, lines 4-7); and transmitting the contents data stored in the database to a user through the Internet network (col. 10, lines 33-37). Shastri fails to disclose dividing the received contents data by broadcast channels.

Barton discloses dividing the received contents data by broadcast channels (the Input section contains both a tuner for tuning to the broadcast physical channel as well as a demultiplexer for lifting the MPEG program on a particular channel out of the physical channel, fig. 1.101, and paragraph 31, lines 14-20).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to include dividing the received contents by broadcast channels of Barton, an analogous art, with the re-utilizing method of Shastri to provide Shastri's method with a way to allow reception of digital broadcast content.

As regards Claim 3, Shastri discloses the step of editing the contents data stored in the database between step (a3) and the step (a4) (such as selecting key frames, generating thumbnails, and linking text descriptions, etc. to produce a video magazine of fig. 4 fig. 6.617, and col. 10, lines 16-30).

As regards Claim 4, Shastri further discloses that the editing step comprises decoding the contents data stored in the database (figs. 6.627 and 6.653 and cols. 11 and 14, lines 6-17 and 5-8); editing the decoded contents data (software running on workstations 6.61 and 6.623 and col. 10, lines 16-30); and encoding the edited contents data and storing the encoded contents data in the database (col. 15, lines 1-5).

As regards Claim 7, Shastri discloses a system for re-utilizing contents data for digital broadcasting, comprising: a database for storing the divided contents data (fig. 6.619, and col. 9, lines 4-7); a decoder for decoding the contents data stored in the database (figs. 6.627 and 6.653 and cols. 11 and 14, lines 6-17 and 5-8); a data editor for editing the decoded contents data (software running on workstations 6.61 and 6.623 and col. 10, lines 16-30); an encoder (the workstation, fig. 6.621 and col. 10, lines 27-30) for encoding the edited contents data in order to transmit the encoded contents data to a viewer through an Internet network (col. 10, lines 33-37); and a user terminal for receiving the contents data through the Internet network and viewing the received contents data (such as a PC, col. 4, lines 61-66 or a set top box, fig. 1.102 with an internet connection, col. 4, lines 55-61, coupled to a television, fig. 1.118). Shastri fails to disclose a tuner for receiving a TS transmitted from a broadcasting station and a remultiplexer for dividing contents data from the received TS.

Barton discloses a tuner for receiving a TS (such as a digital television stream carrying MPEG formatted data) transmitted from a broadcasting station and a remultiplexer for dividing contents data from the received TS (the Input section contains both a tuner for tuning to the broadcast channel as well as a demultiplexer for lifting the MPEG program out of the channel, fig. 1.101, and paragraph 31, lines 14-20).

Claims 5-6 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shastri (US 6,845,485) in view of Barton (US 2005/0132418) and in further view of Ozkan (US 6,031,577).

As regards Claims 5 and 8, Shastri and Barton jointly disclose the method and system of Claims 1 and 7 and Shastri further discloses that the user terminal comprises a transmitter connected to the information data processor, the transmitter for receiving data from the an input apparatus (such as an apparatus that can control moving cursor, fig. 2.106 and col. 5, lines 50-52) and transmitting the data (such as to download "Chef Larry Interactive," fig. 2.105, and col. 5, lines 58-62) through the Internet network (such as a PC with an internet connection, col. 4, lines 61-66 or a set top box connected to the internet, col. 4, lines 55-60) but they both fail to disclose that the user terminal further comprises a receiver for receiving the TS formatted contents data through the Internet network; a demultiplexer for dividing the received contents data into the video data, the audio data, and the information data; a video data decoder from decoding the divided video data; an audio data decoder for decoding the divided audio data; an information data processor for decoding the divided information data and interpreting

synchronization information items between the information data and the video and audio data; a display controller for synchronizing the decoded video data with the information data in relation to the interpreted information data items and outputting the synchronized data on a screen; and an audio controller for synchronizing the decoded audio data with the information data and outputting the synchronized data through a speaker.

Ozkan discloses that the user terminal further comprises a receiver (fig. 1.10, col. 3, lines 10-14) for receiving the TS formatted contents data through the Internet network (cols 2 and 3, lines 66-67 and 1-4); a demultiplexer for dividing the received contents data into the video data, the audio data, and the information data (fig. 1.22, and col. 3, lines 22-25); a video data decoder for decoding the divided video data (fig. 1.25, and col. 3, lines col. 8, lines 20-25); an audio data decoder for decoding the divided audio data (fig. 1.35, and col. 8, lines 25-30); an information data processor for decoding the divided information data (fig. 1.30, and col. 8, lines 29-30) and interpreting synchronization information items between the information data and the video and audio data (MPEG video and audio data is synchronized so that the multiplexer, fig. 1.22, is able to feed the audio packets to audio processor, fig. 1.35, which is able to synchronize the audio output with the video output, col. 8, lines 24-29); a display controller (fig. 1.45 along with fig. 1.40, col. 9, lines 51-60) for synchronizing the decoded video data with the information data in relation to the interpreted information data items and outputting the synchronized data (fig. 1.45 along with fig. 1.40, col. 9, lines 51-60) on a screen (fig. 1.50); and an audio controller for synchronizing the decoded audio data with the

information data and outputting the synchronized data (fig. 1.35, and col. 8, lines 24-29) through a speaker (fig. 1.55).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to include the user terminal of Ozkan, an analogous art, with the re-utilizing system of Shastri and Barton to provide the user with the hardware to allow reception of the re-utilized content.

As regards Claim 6, Ozkan further discloses that the format of the contents data is a transmission stream (TS) (col. 3, lines 19-22).

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Sheytn (US 2004/0060071) discloses a internet enabled system which stores data gathered from a broadcast and makes that data available over the internet. Mackintosh (US 2002/0184339) discloses a method of re-broadcasting, along with supplementary materials, radio broadcasts gathered off the airwaves. Cameron (US 2005/0028206) discloses an interactive television system providing television and internet services over an IP stream.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David R. O'Steen whose telephone number is 571-272-7931. The examiner can normally be reached on 8:30 to 5.



If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on 571-272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DRO



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